



Appeal Decision

Site visit made on 13 October 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/W2465/C/25/3371368

39 Springfield Road, Leicester LE2 3BB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Ashley Johnson against an enforcement notice ("EN") issued by Leicester City Council.
 - The EN was issued on 15 July 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the installation of windows on the first and second floor of the Property.
 - The requirements of the EN are:
 1. Remove the mock sash window, and frame (including horizontal timber header) from the second floor shared apex gable in the front elevation of 39 Springfield Road.
 2. Remove the bay window with six panes and frame at first floor level in the front elevation of 39 Springfield Road.
 3. Install a tri-paned single glazed (or slim profile double glazed) wooden casement window and frame (including horizontal timber header) in the second floor shared apex gable, to match the design of that which was removed prior to the installation of the current window.
 4. Install a single glazed (or slim profile double glazed) bay window with six-paned separate glass inserts and stepped and decorative frame in the first floor front elevation to match that which was removed prior to the installation of the current window.
 5. All of the above windows to be painted off-white to match the existing ground floor fenestration.
 6. For the sake of clarity, reinstatement works should replicate details in Appendix A, attached.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:
 - *The deletion of the entirety of the breach of planning control in section 3 of the EN and its substitution with the words, "Without planning permission, the installation of windows to the first and second floor of the front elevation of the property".*
 - *The deletion of the entirety of the requirements within section 5 of the EN and their substitution with the words:*
 1. *Remove the unauthorised windows from the first and second floor of the front elevation of the property; and*
 2. *Install windows within the first and second floor of the front elevation of the property that match the windows that were previously removed, as shown in Appendix A, attached.*

- *The deletion of six months and its substitution with nine months as the period for compliance.*
2. Subject to the correction and variations, the appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Matters Concerning the Notice

3. I can correct any defect, error, or misdescription in an EN using the powers available to me in s176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or Council.
4. An EN should enable every person who receives a copy to know exactly what, in the Council's view, constitutes the breach of planning control. The alleged breach of planning control refers to the property's first and second floor windows but does not specify an elevation. However, it is clear from the four corners of the EN that the breach of planning control applies to the first and second floor windows within the dwelling's front elevation. Consequently, I must correct the alleged breach of planning control to refer only to these windows. I have also omitted the superfluous description of the windows from requirements 5(1) and (2) to align with the alleged breach (as corrected). As the correction and variation are for precision, I am satisfied that they would not cause injustice to the main appeal parties.
5. The second floor window within the front elevation, prior to its replacement, was fabricated in uPVC. Requirement 5(3) of the EN seeks the installation of a "...*tri-paned single glazed (or slim profile double glazed) wooden casement window and frame...*" (my emphasis). However, an EN can only require the land to be returned to its condition prior to the breach. Accordingly, I have omitted requirements 5(3), (4) and (5) and replaced them with a single requirement for the installation of windows that match those previously removed. As the variation is less onerous for the appellant and it remedies the alleged breach, I am satisfied that it would not cause injustice to the main appeal parties.

Preliminary Matter

6. Since the appeal was lodged, a revised National Planning Policy Framework ("the Framework") has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.

Appeal on Ground (a) and the Deemed Planning Permission

7. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issue** is the effect of the breach of planning control on the character and appearance of the surrounding area, including the significance of the Stoneygate Conservation Area ("CA").

Reasons

8. The appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

9. The CA covers an extensive, predominantly residential area located either side of London Road. It is approximately 2.5km southeast of Leicester city centre and is regarded as Leicester's best-preserved Victorian and Edwardian suburb. The CA features work by prominent local architects and includes numerous listed buildings. Consequently, the significance of the CA derives from its historic and aesthetic values.
10. The CA is covered by an Article 4 Direction which, amongst other things, removes permitted development rights for developments that front a highway and involve the enlargement, improvement or other alteration of a dwellinghouse, and the painting of the exterior of a dwellinghouse (with the exception of the repainting of any part previously painted).
11. The appeal site is located on Springfield Road, a street characterised predominantly by large Edwardian and Victorian semi-detached and terraced houses of two or three storeys in height. These dwellings are mixed in their design but are typically constructed of red brick and grey/red tiled roofs. Original architectural features include gables, mock-Tudor cladding, brick detailing, hanging tiles, bay windows, pitched roofs, tall chimneys and turrets. Window styles vary depending on the architectural design of the dwelling however, they are predominantly timber framed and painted white/off-white. The historic appearance of the windows has been largely preserved.
12. The appeal site comprises a semi-detached, three-storey dwelling constructed of red brick with a red plain tiled roof, and red hanging tiles to the first floor. The front elevation incorporates a bay window at both ground and first-floor level with a gable above incorporating mock-Tudor cladding. A further gable with mock-Tudor cladding projects from the dwelling's roof and extends across both semi-detached dwellings.
13. The breach of planning control is the installation of a replacement bay window within the property's first floor front elevation and the installation of a replacement window within the dwelling's second floor front elevation gable.
14. The first floor bay is fabricated in timber and consists of four casement units each subdivided into six panes. The two outer units are side hung with silver coloured hinges clearly visible from the street. In addition, the window frames are of a simple design and have a flat appearance.
15. The replacement bay window has a similar configuration of panes as the previous bay window and as such, it retains a vertical emphasis. However, much of the detailing of the previous window frame has been lost with the frame no longer incorporating a stepped design and the glazing no longer recessed within the frame. Furthermore, the altered design erodes the symmetry of the pair of semi-detached dwellings. Consequently, the first floor bay window fails to preserve the architectural character of the host dwelling and harms the character and appearance of the surrounding area and the significance of the CA.
16. The second floor window is fabricated in timber and consists of two one-over-one mock-sash windows that has a horizontal emphasis. The upper panes are top hung with silver coloured hinges clearly visible from the street. As with the replacement bay window, the window frame is of a simple design with a flat appearance.

17. The previous window was fabricated in uPVC which did not conserve the significance of the CA. However, it consisted of three panes with a vertical emphasis that reflected the other windows in the front elevation of the dwelling as well as within No 37. In contrast, the replacement window introduces a horizontal emphasis that is at odds with these prevailing characteristics. Consequently, it harms the character and appearance of the host dwelling, the pair of semi-detached properties, and the significance of the CA.
18. Both windows are dark grey which contrasts starkly with, and is incongruous to, the white/off-white painted window and door frames seen along the road. The appellant has submitted photographs to demonstrate that there are examples of dark painted windows within the surrounding area. However, no addresses were provided, and I did not see any examples during my site visit. Consequently, the dark colour of the windows detracts from the character and appearance of the surrounding area and the significance of the CA.
19. The appellant has stated a willingness to paint the windows in “*stone white to match the eaves panelling*”. I could condition that the windows are painted a different colour however, this would not overcome the harm arising from their design and appearance.
20. To address the flat appearance of the windows, the appellant suggests installing an additional frame around the existing units to create greater depth. However, in the absence of drawings, I cannot determine whether this would overcome the identified harm.
21. The appellant has directed me to the houses on the opposite side of the road which they assert contain sash or mock-sash windows to their upper floors. The Council has confirmed that they are not mock-sash windows. Even if they were mock-sash windows, they have been in place since at least September 2012 and therefore, are immune from enforcement action. Furthermore, those properties are of a different architectural design from the appeal property, and the sash windows are sympathetic to their character and appearance. Notwithstanding this, I must determine this appeal on its own merits.
22. For these reasons, the first and second floor windows within the dwelling’s front elevation harm the character and appearance of the surrounding area, including the significance of the CA. They conflict with CS Policy 3 and CS Policy 18 of the Leicester Local Development Framework Core Strategy, adopted 2014. These policies, amongst other things, seek to ensure development contributes positively to the character and appearance of the built environment; is appropriate to local setting context taking into account Leicester’s history and heritage; and protects and seeks opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Other Matters

23. I acknowledge an interested party’s support for the retention of the windows and the appellant’s assertion that neighbours have commented favourably about their appearance. However, this does not outweigh the harm I have identified to the character and appearance of the surrounding area, including the significance of the CA.

24. The condition and appearance of the front elevation of No 37 and its effect on the CA is not of direct relevance to the determination of this appeal. Furthermore, I have not been provided with the planning history surrounding the insertion of the uPVC window at No 37 and therefore, I am unclear whether it obtained planning permission or indeed required it. In any event, I must determine this appeal on its own merits.

Planning Balance

25. The appeal site is located within the city of Leicester and therefore, Framework Policy S4 is applicable. It requires that development proposals be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.
26. As described above, I have found harm to the CA. Consequently, in accordance with Policy HE6(4) of the Framework, I must weigh the effect on the asset and its significance against the public benefits of the development.
27. The appellant has not advanced any public benefits. Notwithstanding this, there could be some public and private benefits through enabling energy efficiency. However, I am not persuaded from the evidence before me, that similar benefits could not be achieved with windows of a less harmful design. Accordingly, I afford these benefits limited weight.
28. Set against these limited benefits, I have concluded that the windows harm the character and appearance of the surrounding area and the significance of the CA. Framework Policy HE6(1) makes clear that substantial weight should be afforded to the conservation of designated heritage assets and that any harm to their significance is a matter of considerable importance and weight. In addition, Framework Policy DP3 indicates that developments should be refused where, in the absence of clear justification, they fail to respond to their context.
29. Accordingly, I find that the benefits of approving the windows are substantially outweighed by the adverse effects when assessed against the national decision-making policies in the Framework.

Conclusion on Ground (a) and the Deemed Planning Permission

30. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) is dismissed, and the deemed planning permission is refused.

Appeal on Ground (f)

31. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
32. The appellant has not advanced any reasons why the EN's requirements are excessive.
33. The requirements of the EN (as corrected) are to remove the unauthorised windows and to install windows that match those that were in place prior to their replacement. Therefore, the purpose of the EN is to remedy the breach of planning control. Any step lesser than these requirements would not remedy the breach of

planning control. Therefore, the EN's requirements are not excessive, and the appeal on ground (f) fails.

Appeal on Ground (g)

34. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
35. The period for compliance is six months. The appellant requests the compliance period is extended as they assert that the window company has a lead-time of nine months. The Council agrees to the appellant's revised timeframe and therefore, requests that I vary the EN to reflect this.
36. There is no dispute between the main appeal parties regarding a timeframe of nine months. Therefore, I do not consider that extending it is unreasonable to allow sufficient time to fabricate the windows.
37. The appeal on ground (g) therefore succeeds.

Conclusion

38. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

A Berry

INSPECTOR